

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

---

IN RE

**SECTION 362 MOTIONS IN CHAPTER 7  
AND CHAPTER 13 CASES IN ROCHESTER  
AND WATKINS GLEN**

**STANDING ORDER**

---

(1) **MOTIONS IN GENERAL**

Except as otherwise provided by rule or ordered by the court, and except as provided in subdivision (2) immediately following, notices of motion along with supporting affidavits and memoranda shall be served on the parties and filed with the clerk at least five (5) days prior to the return date of the motion (eight days if served by mail). Motion dates may be obtained from the Clerk. Discretionary responses to motions (those not required by these rules or by order) shall be filed and served upon the adverse party or parties as soon as practicable.

(2) **SECTION 362 MOTIONS IN CHAPTER 7 AND 13**

**CASES IN ROCHESTER AND WATKINS GLEN**

(a) All motions for relief from the automatic stay under 11 U.S.C. Section 362(d) made in Chapter 7 or 13 cases returnable in Rochester or Watkins Glen shall be served upon the parties at least twelve (12) days prior to the return date and filed with the Clerk at least seven (7) days prior to the return date. Responses, if any, shall be in writing and shall be served and filed not less than three (3) days prior to the return date of the motion. Pursuant to Federal Rule of Bankruptcy Procedure 9006(a), Saturdays, Sundays and legal holidays shall be excluded from the computation of the three (3) day response time. Unless a response is served and filed within the time permitted, the court may grant the motion by default without a hearing.

(b) All motions referred to in subdivision (2)(a) immediately preceding shall also meet the following requirements:

- (i) The notice of motion shall include the following language in bold print:

PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9014 AND THE STANDING ORDER ENTITLED "SECTION 362 MOTIONS IN CHAPTER 7 AND CHAPTER 13 CASES IN ROCHESTER AND WATKINS GLEN" DATED AUGUST 5, 1992, IF YOU INTEND TO OPPOSE THE MOTION, YOU MUST SERVE ON THE MOVANT'S COUNSEL AND THE TRUSTEE, AND FILE WITH THE CLERK, WRITTEN OPPOSITION TO THE MOTION NO LATER THAN THREE (3) BUSINESS DAYS PRIOR TO THE RETURN DATE OF THIS MOTION. IN THE EVENT NO WRITTEN OPPOSITION IS SERVED AND FILED, NO HEARING ON THE MOTION WILL BE HELD ON THE RETURN DATE AND THE COURT WILL CONSIDER THE MOTION AS UNOPPOSED.

(ii) The motion shall be served and filed with a cover sheet in the form prescribed by the Clerk and available from the Clerk's Office.

(iii) The motion to be served and filed shall include a copy of the proposed order. The original proposed order shall be submitted with the original motion when filed.

(iv) Proof of lien perfection, if any, shall be provided in the motion or by exhibit to the motion.

IT IS SO ORDERED.

Dated: August 5, 1992

  
HONORABLE BERYL E. MC GUIRE  
CHIEF JUDGE

  
HONORABLE MICHAEL J. KAPLAN

  
HONORABLE JOHN C. NINFO II